



March 10, 1999

Mr. Ajay R. Shah  
Assistant City Attorney  
Criminal Law & Police Division  
2014 Main Street, Room 206  
Dallas, Texas 75201

OR99-0688

Dear Mr. Shah:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID # 122769.

The Dallas Police Department (the "department") received a request for "any arrest reports" of a particular person. You claim that the requested information is excepted from disclosure under section 552.101 of the Government Code in conjunction with section 411.083 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." This section encompasses information protected by other statutes. We first recognize that section 552.101 of the Government Code excepts from disclosure criminal history report information ("CHRI"). Where an individual's criminal history information has been compiled by a governmental entity, the information takes on a character that implicates the individual's right to privacy. *See United States Dep't of Justice v. Reporters Comm. for Freedom of the Press*, 489 U.S. 749 (1989) (concluding that federal regulations which limit access to criminal history record information that states obtain from the federal government or other states recognize privacy interest in such information). Similarly, open records decisions issued by this office acknowledge this privacy interest. *See Open Records Decision Nos. 616 (1993), 565 (1990)*. Therefore, the department must withhold the requested CHRI from the requestor.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,

*David Van Brunt Price*  
David Van Brunt Price  
Assistant Attorney General  
Open Records Division

DVP\nc

Ref: ID# 122769

Enclosures: Submitted documents

cc: Mr. George Jackson  
2916 Kilburn Avenue  
Dallas, Texas 75216  
(w/o enclosures)